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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/020,348	12/13/2001	Harold E. Hamilton	M366.12-0021	8979
27367 7590 03/06/2008 WESTMAN CHAMPLIN & KELLY, P.A. SUITE 1400 900 SECOND AVENUE SOUTH MINNEAPOLIS, MN 55402-3319				
EXAMINER				
RALIS, STEPHEN J				
ART UNIT		PAPER NUMBER		
3742				
MAIL DATE		DELIVERY MODE		
03/06/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/020,348

Applicant(s)

HAMILTON ET AL.

Examiner

/Stephen J. Ralis/

Art Unit

3742

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 11 February 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: _____

Claim(s) withdrawn from consideration: _____

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: With respect to applicant's argument for the withdraw finality of the last Office action based on the examiner not mentioning the Kondou et al. patent being necessitated in light of the previously made amendment, the examiner respectfully disagrees. The examiner asserted that "Applicant's arguments, see pages 8-11, filed 03 April 2007, with respect to the rejection(s) of claim(s) 1, 1, 6, 7, 9-17 and 25 under 35 U.S.C. 102(e) and 35 U.S.C. 103(a) have been fully considered and are persuasive". Applicant's arguments were respect to the amendments made and how the prior art used to previously reject the claims was insufficient. The examiner respectfully agreed and provided a new rejection in view of Kondou et al. with respect to the amendment/arguments made (see page 2 of Office action mailed 13 November 2007). Therefore, the examiner respectfully maintains the finality of the previous Office action.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____

/TU B HOANG/
Supervisory Patent Examiner, Art Unit 3742

/Stephen J Ralis/
Examiner, Art Unit 3742

U.S. Patent and Trademark Office
PTOL-303 (Rev. 08-06)

Advisory Action Before the Filing of an Appeal Brief

Part of Paper No. 20080227

Continuation of 3. NOTE: The limitations of at least "a plurality of generally parallel spaced apart burn-in boards", "a separate wall spaced from each burn-in board to form an airflow duct overlying each burn-in board, each wall being imperforate except for a plurality of fan openings therethrough, one fan opening overlying each device under test on an associated burn-in board, a plurality of separate controllable fans supported on each wall, each fan controlling flow through one fan opening through the associated wall", and "a part of the air flow is directed through the associated fan opening in the wall forming the air flow duct toward the associated heat exchanger portion when a respective fan is operated, and air flow in the respective duct which is not directed by a fan through a fan opening flowing to the exhaust from the oven chamber" (emphasis on air not directed by the fan direct to the exhaust) recited in independent claim 1 and dependent claims 2, 6, 9 and 11 have not been previously presented and would require further consideration and/or a new search. Similarly, the limitations of at least "a plurality of burn-in boards having devices under test mounted thereon on a first side thereof in a preselected array and edges of the burn-in boards being supported on walls of the compartment" (emphasis on the mounting side thereof), "a plurality of fan trays supported on walls of the compartment and each fan tray being spaced from the first side of one of the burn-in boards on a side of the respective burn in board so that the fan trays overlie and are spaced from the devices under test on the first side of the associated burn-in board which underlies the respective fan tray" (emphasis again on relationship of the first side of the burn-in boards), "a plurality of fan outlet openings in each fan tray, the fan trays being otherwise imperforate" (emphasis on the fan outlets being the only openings in the fan trays), "an exhaust opening from the ducts to provide a flow of air through the respective duct, a separate temperature sensor for each device under test to sense the temperature of the respective device under test" (emphasis on the inclusion of an exhaust opening and separate temperature sensor for each device) recited in independent claim 12 and dependent claims 13-17 have not been previously presented and would require further consideration and/or a new search. The examiner further respectfully requests that applicant direct the examiner to the disclosure for any new recited limitations.